

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF WEST VIRGINIA

DANIELLE H. JUNKINS,

Plaintiff,

v.

CIVIL ACTION NO.: 1:16CV174
(JUDGE KEELEY)

NANCY A. BERRYHILL,
Acting Commissioner
of Social Security,

Defendant.

ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Pending for consideration is the Report and Recommendation of United States Magistrate Judge James E. Seibert ("R&R") (dkt. no. 13), dated April 5, 2017. Pursuant to 28 U.S.C. § 636(b)(1)(C), this Court is required to undertake a de novo review of those portions of the magistrate judge's findings to which objection is made. However, failure to file objections to the R&R within fourteen days permits the review of the recommendation under the standards that the District Court believes are appropriate, and under these circumstances, the parties' right to de novo review is waived. See 28 U.S.C. § 636(b)(1); Thomas v. Arn, 474 U.S. 140 (1985); Wright v. Collins, 766 F.2d 841 (4th Cir. 1985). To date, no objections have been filed. Accordingly, this Court reviews the R&R for clear error.

ORDER ADOPTING MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

After careful review of the R&R and the record, the Court **ADOPTS** the Magistrate Judge's R&R (dkt. no. 13) for the reasons stated therein. Therefore, the Court

1. **GRANTS** the defendant's motion for summary judgment (dkt. no. 11);
2. **DENIES** the plaintiff's motion for summary judgment (dkt. no. 9); and
3. **DISMISSES** this civil action **WITH PREJUDICE** and **ORDERS** it **STRICKEN** from the active docket of this Court.

The Court directs the Clerk of Court to enter judgment in favor of the defendant.

It is so **ORDERED**.

The Court directs the Clerk to transmit copies of this Order to all counsel of record.

DATED: April 25, 2017.

/s/ Irene M. Keeley
IRENE M. KEELEY
UNITED STATES DISTRICT JUDGE